

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

WESLEY YOAKUM, *Individually and on
Behalf of All Others Similarly Situated*

PLAINTIFF

vs.

No. 4:20-cv-00023-JJV

ABB MOTORS AND MECHANICAL, INC.

DEFENDANT

ORDER & JUDGMENT

The Court held a fairness hearing on December 2, 2020. No objections to the proposed settlement have been filed and no objector appeared at the hearing. There were 391 potential claimants. The parties gave all the required notice, and provided all the approved forms, to class members. 74 claims were made and the value of their claims total \$6,014.19 of the \$34,400.00 settlement fund.

After careful review of the pleadings and hearing from the parties, the Court approves the proposed settlement and grants the joint motion for final approval. (Doc. No. 20.) The agreement is fair, reasonable, and adequate, as required by Rule 23(e). In reaching this conclusion, the Court has considered the strength of the plaintiffs' case, defendant's defenses including the circuit split regarding the ability credit paid meal periods against alleged off-the-clock time, the complexity of further litigation, and the amount of opposition to the settlement, and the history of the litigation both in the Eastern District of Arkansas and elsewhere. *Keil v. Lopez*, 862 F.3d 685, 693-98 (8th Cir. 2017); *Van Horn v. Trickey*, 840 F.2d 604, 607 (8th Cir. 1988). The attorney's fees are reasonable given the work done, local hourly rates, and results achieved. *Petrovic v. Amoco Oil Company*, 200 F.3d 1140, 1157 (8th Cir. 1999).

IT IS, THEREFORE, ORDERED that:

- 1) The parties' Joint Motion (and Incorporated Brief) For Final Approval of the Class and Collective Action Settlement (Doc. No. 20) is GRANTED;
- 2) The case is dismissed with prejudice; and
- 3) The Court will retain jurisdiction to enforce the parties' settlement.
- 4) A joint report on disbursements is due by February 2, 2021.

SIGNED this 2nd day of December 2020.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE